UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,375	11/19/2003	Roy Kaufmann	30016070-1002	5493

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EXAMINER
DINH, KHANH Q

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/715,375	KAUFMANN ET AL.
	Examiner	**Art Unit**	
	Khanh Dinh	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 May 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-46</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-46</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>5/6/05, 8/2/04</u>.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-46 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by

England, US Pat. no.6,144,991.

As to claim 1, England discloses a method in a data processing system for

collaboration, comprising the steps of:

receiving a first request to send a first question to a first recipient (510 fig.5)

synchronously with a live session by a collaboration tool (see abstract, fig.5, col.11 lines

21-60) and sending the first question if the first recipient is online with the live session

(implementing live sessions between clients, see col.11 line 62 to col.12 line 27);

receiving a second request from a sender to send a second question to a second

recipient asynchronously with a live session by the collaboration tool (see col.20 lines 3-

57); queuing the second question if the sender is not online until the sender is online

and sending the second question to the second recipient if the second recipient is online

(see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

As to claim 2, England discloses that sending the first question if the first recipient is online further comprises the steps of: detecting the presence of the first recipient to determine if the first recipient is online and sending the question based on the determination (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

As to claim 3, England discloses wherein sending the second question if the second recipient is online further comprises the steps of: detecting the presence of the second recipient to determine if the second recipient is online and sending the question based on the determination (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

As to claim 4, England discloses that the first request is received via a graphical user interface, and wherein the second request is received via the same graphical user interface through which the first request was received (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

As to claims 5 and 6, England discloses sending the first question further comprises the steps of setting a level of privacy for the first question and sending the first question further comprises the steps of setting a level of anonymity for the first question (see col.28 line 18 to col.29 line 46 and col.30 line 35 to col.31 line 54).

As to claims 7 and 8, England discloses receiving the first question and responding to the first question synchronously with the live session by sending an answer and further discloses receiving the first question and responding to the first question asynchronously with the live session (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

As to claim 9, England discloses responding to the first question asynchronously further comprises the steps of: detecting whether a sender of the response is online, sending the response when the sender is online, detecting the presence of a recipient of the response to determine whether the recipient is online and queuing the response if the recipient is not online and sending the response when the recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

As to claim 10, England discloses a method in a data processing system for collaboration, comprising the steps of: receiving a request to send a question either synchronously or asynchronously via a collaboration tool to a recipient (implementing live sessions between connected clients, see abstract, fig.5, col.11 lines 21-60 and col.11 line 62 to col.12 line 27), wherein the collaboration tool is capable of sending the question synchronously and asynchronously; determining whether the recipient is online; and sending the question to the recipient via the collaboration tool when the recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

Claims 11 and 13 are rejected for the same reasons set forth in claims 1 and 2 respectively.

As to claim 12, England discloses the first request is received via a graphical user interface, and wherein the second request is received via the same graphical user interface through which the first request was received (see fig.30, col.22 lines 17-64 and col.28 line 18 to col.29 line 46).

As to claim 14, England discloses that sending the second file further comprises the steps of detecting the presence of the second recipient to determine whether the second recipient is online and queuing the second file until the second recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

As to claim 15, England discloses 15. A method in a data processing system for collaboration, comprising the steps of: receiving a request to send a file either synchronously or asynchronously via a collaboration tool to a recipient (implementing live sessions between connected clients, see abstract, fig.5, col.11 lines 21-60 and col.11 line 62 to col.12 line 27), wherein the collaboration tool is capable of sending the question synchronously and asynchronously; determining whether the recipient is online; and sending the question to the recipient via the collaboration tool when the recipient is online (see col.20 line 58 to col.21 line 25 and col.22 lines 17-64).

Claims 16-24 are rejected for the same reasons set forth in claims 1-9 respectively.

Claims 25-29 are rejected for the same reasons set forth in claims 10-14 respectively.

Claims 30-39 are rejected for the same reasons set forth in claims 10 and 1-9

respectively.

Claims 40-44 are rejected for the same reasons set forth in claims 10-14 respectively.

Claims 45 and 46 are rejected for the same reasons set forth in claims 10 and 1

respectively.

Other prior art cited

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

     a. Bose et al, US pub. No.20020042830.

     b. Brown et al, US pat. No.6,385,652.

     c. Angel et al, US pub. No.20020133392.

     d. Barton, US Pub. No.20020046074.

     e. Sendowski et al. US pub. No.2003/0198934.

Conclusion

5.   Claims 1-46 are rejected.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khanh Dinh whose telephone number is (571) 272-

3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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P O Box 1450
Alexandria, VA 22313-1450

KHANH DINH
PRIMARY EXAMINER
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